

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CENGAGE LEARNING, INC., BEDFORD,  
FREEMAN & WORTH PUBLISHING GROUP, LLC  
d/b/a MACMILLAN LEARNING, MCGRAW HILL  
LLC, and PEARSON EDUCATION, INC.,

Plaintiffs,

v.

DOES 1 – 50 d/b/a Library Genesis, bookwarrior,  
cdn1.booksdl.org, jlibgen.tk, libgen.ee, libgen.fun,  
libgen.gs, libgen.is, libgen.lc, libgen.li, libgen.pm,  
libgen.rocks, libgen.rs, libgen.space, libgen.st,  
libgen.su, library.lol, and llhf.com,

Defendants.

**Civil Action No. 23-cv-08136-CM**

**DECLARATION OF DAN SEYMOUR**

I, **DAN SEYMOUR**, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am employed by BCGuardian, LLP (“BCGuardian”) a brand and content protection company that works with law firms and brand and content owners to protect intellectual property. BCGuardian has been engaged by Oppenheim + Zebak, LLP, counsel for Cengage Learning, Inc., Bedford, Freeman & Worth Publishing Group, LLC d/b/a Macmillan Learning, McGraw Hill LLC, and Pearson Education, Inc. (collectively, “Plaintiffs”) in the above-captioned action.

2. I submit this declaration in support of Plaintiffs’ Motion to Serve Defendants by Email. I have knowledge of the facts stated herein based on personal knowledge and my review of the documents, files, websites, and other items referenced herein. If called upon to do so, I am able to testify competently to the matters as stated herein.

3. I have been employed by BCGuardian since October 2016, and my current title is Director of Intelligence. My responsibilities include investigation and enforcement relating to counterfeiting and online piracy matters. Overall, I have over 25 years of experience in handling anti-piracy matters and related investigations. Prior to joining BCGuardian, I was Director of Anti-Piracy for CoStar Group, an online commercial real estate database firm. Before CoStar, I was Senior Manager, Anti-Piracy Internet Enforcement, for the Entertainment Software Association (“ESA”), the trade group for the video games industry. Prior to the ESA, I was Senior Internet Investigations Manager for the Motion Picture Association of America (“MPAA”), the trade group for the major Hollywood movie studios. Prior to the MPAA, I was a Managing Director at CoreFacts and Decision Strategies/Fairfax International.

4. Defendants in the above-captioned action own, operate, and/or control the “shadow library” known as “Library Genesis,” or “Libgen” for short, which currently operates at the following domains: cdn1.booksdl.org, jlibgen.tk, libgen.ee, libgen.fun, libgen.gs, libgen.is, libgen.lc, libgen.li, libgen.pm, libgen.rocks, libgen.rs, libgen.space, libgen.st, libgen.su, library.lol, and llhlf.com (“Libgen Sites” or “Sites”). As described in more detail below, I have reviewed material on and related to the Sites, downloaded infringing copies of Plaintiffs’ works from the Sites, and further conducted an investigation regarding the Sites and their likely operators.

5. Based on my research and investigation, it is highly likely that Defendants are located outside of the United States. The server that provides downloads for most of the Sites has an IP address located in Ukraine. Most of the Sites are also available in Russian in addition to English. Further, the nature of the posts and information on message boards and social media associated with the Sites strongly suggests that Defendants are located abroad. Finally, Defendants rely on many foreign intermediaries, such as hosts and registrars, to operate the Sites.

6. None of the Libgen Sites provide a name, business name, business address, or telephone number on a “contact us” page or otherwise, as is typically available on legitimate websites. Defendants also generally conceal their identities when registering domain names, including by using registrars that keep registrant information private and/or registrant proxy services. My team and I have conducted research in an effort to locate the Site operators, including analyzing the Libgen Sites, content from discussion forums associated with the Sites, social media posts related to the Sites (including on international social media sites), and databases of U.S. and international corporations, but we have been unable to determine addresses for Defendants.

7. Notwithstanding the above, Plaintiffs can communicate with Defendants through electronic messaging. A list of the email addresses that my team and I identified through the process described below is attached as Exhibit 1 to my declaration. First, some Sites provide an email address to contact the Site operator that can be found on the Site or a message board accessible through the Site. Second, Site operators can be contacted through information found in the WHOIS database, which functions like an internet phonebook. The WHOIS database provides several means of sending an electronic message directly to the Site operators through a field entitled “Registrant Email.” For instance: (1) the WHOIS database may provide a standard email address for the Site operator; or (2) where the site operator has chosen to conceal itself through the registrar or a registrant proxy service, the WHOIS database may provide (a) an anonymized email address that still goes directly to the Site operator (“Anonymized Email”), or (b) a URL to a page on the registrar or registrant proxy service’s website that provides a form to send an electronic message directly to the Site operator (“Website Email URL”).

8. By way of example, with a WHOIS database lookup for libgen.is, the registrant contact information provided is for Sarek Oy, the domain registrar. Instead of showing the email

of the individual or organization that registered the domain, the “Registrant Email” in the WHOIS database for libgen.is is <https://sarek.fi/contact/libgen.is/registrant>. That URL is for a page titled “Contact owner of libgen.is” that provides a form that allows for direct communication with the registrant of libgen.is. Accordingly, the best way to contact the owner/operator of libgen.is is through that URL.

9. Based on my analysis of Sites’ homepages, domain forwarding from one Site to another Site, links provided between Sites, and the IP addresses for the servers that provide downloads, the Libgen Sites appear to be operated by three different individuals or groups. The first individual or group operates six Sites, libgen.is, libgen.rs, libgen.su, libgen.st, jlibgen.tk, and library.lol (collectively, the “Group One Sites”), which use the same server for downloads and have identical homepages and/or provide links to other Group One Sites. For example, libgen.su has the same homepage as libgen.is, libgen.rs, libgen.st, and jlibgen.tk and provides links on its homepage to libgen.rs, libgen.is, and libgen.st. The Defendant(s) operating the Group One Sites can be contacted via (1) the email address provided in the WHOIS database for libgen.su; and (2) the Website Email URL provided in the WHOIS database for libgen.is, libgen.st, and library.lol. Screenshots of the sources of these email addresses are attached hereto as Exhibit 2.

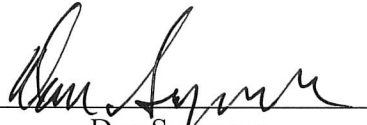
10. The second individual or group operates nine Sites, libgen.ee, libgen.rocks, libgen.space, libgen.gs, libgen.li, libgen.lc, libgen.pm, cdn1.booksdl.org, and llhlg.com (collectively, the “Group Two Sites”), which use the same server for downloads and share identical homepages, re-direct to other Group Two Sites, and/or provide links to other Group Two Sites. The Defendant(s) operating the Group Two Sites can be contacted via (1) email to the emails provided on the Sites libgen.gs and libgen.li; (2) the Anonymized Email address provided in the WHOIS database for libgen.space; and (3) the Website Email URLs provided in the WHOIS

database for libgen.ee, libgen.rocks, libgen.pm, and llhlf.com. Screenshots of the sources of these email addresses are attached hereto as Exhibit 3.

11. The third individual or group operates one site, libgen.fun (the “Group Three Site”), which has a different homepage from all the other Sites, uses a different server for downloads, and does not link to any other Site. The Defendant(s) operating the Group Three Site can be contacted via the Anonymized Email address provided in the WHOIS database for libgen.fun. A screenshot of the source of this email address is attached hereto as Exhibit 4.

12. Accordingly, there is at least one email address to contact each of the three groups of Defendants operating the Libgen Sites, and all of the Defendants’ contact information is set forth in the attached Exhibit 1.

I declare under penalty of perjury that the foregoing is true and correct.

  
Dan Seymour

Executed on October 9, 2023